

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	)	CASE NO. 17-60262-LRC
	)	
ELLIS WILTON GARNER	)	CHAPTER 13
	)	
Debtor.	)	

**MOTION TO EXTEND AUTOMATIC STAY**

COMES NOW Debtor, ELLIS WILTON GARNER, and asks this Court to extend the automatic stay of 11 U.S.C. Section 362(a) in this Chapter 13 Bankruptcy Case against all Creditors and show the Court the following:

1.

On June 9, 2017, Debtor filed a Voluntary Petition for Bankruptcy relief under Title 11, Chapter 13 of the United States Code.

2.

Debtor has filed a previous Chapter 13 bankruptcy case, bringing it within 11 U.S.C. Section 362(c)(3). Case No. 16-51385 was filed on January 26, 2016 and dismissed on December 9, 2016 (the "First Case").

3.

Debtor's first case was dismissed for failure to maintain Chapter 13 plan payments and mortgage payments. Debtor fell behind in payments due to a loss of work in his courier business. Debtor now has a part-time job to supplement his income from his courier business.

4.

Debtor filed the instant case in an effort to save his home from foreclosure, catch up his mortgage arrears, and prevent repossession of his vehicle. Debtor now has a part-time job to supplement his income to maintain payments in this case and to the mortgage company. Debtor now has a better ability to meet the requirements to have a successful Chapter 13 plan. Extending the automatic stay will help Debtor save his home and vehicle.

5.

Debtor has filed the instant case in good faith and asks the Court to find that the presumption that the instant case was not filed in good faith has been rebutted by clear and convincing evidence, as outlined above, and extend the automatic stay. Debtor asks the Court to allow him the opportunity to be successful in his current Chapter 13 case.

WHEREFORE, Debtor prays that this motion be granted and that the automatic stay of 11 U.S.C. Section 362(a) be extended against all creditors.

Dated this 15th day of June, 2017.

Respectfully Submitted,  
\_\_\_\_\_/s/\_\_\_\_\_  
Howard Slomka, Esq  
Georgia Bar No. 652875  
Slipakoff & Slomka, PC  
1069 Spring Street, NW  
2nd Floor  
Atlanta, GA 30309  
678-732-0001

**UNITED STATES BANKRUPTCY COURT  
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	)	
Debtor.	)	

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that ELLIS WILTON GARNER has filed a Motion to Extend Automatic Stay and related papers with the Court seeking an Order on the Motion to Extend Automatic Stay.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Motion to Extend Automatic Stay in Courtroom 1204, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303 at 1:45 P.M. on June 29, 2017.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your view, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: April 4, 2017

/s/  
Howard Slomka, Esq  
Georgia Bar No. 652875  
Slipakoff & Slomka, PC  
1069 Spring Street, NW, 2nd Floor  
Atlanta, GA 30309  
678-732-0001

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	)	
Debtor.	)	

**CERTIFICATE OF SERVICE**

I, Howard Slomka, attorney for Debtor, certify that the below listed parties and the attached service list have been served with a true and correct copy of the attached pleadings by placing a copy of same in a properly addressed envelope with adequate postage thereon and deposited in the United States Mail.

Adam M. Goodman, 13 Trustee (Served via ECF)  
Suite 200  
260 Peachtree Street  
Atlanta, GA 30303

Ellis Wilton Garner  
7669 Waterlace Drive  
Fairburn, GA 30213

Richard H. Siegel  
ALDRIDGE PITE, LLP  
Fifteen Piedmont Center  
3575 Piedmont Road, N.E.  
Suite 500  
Atlanta, GA 30305<sup>1</sup>

The Lakes at Cedar Grove Neighborhood Association, Inc.  
c/o Lisa B. Fuerst and Laura C. Horlock  
Pankey & Horlock, LLC.  
1441 Dunwoody Village, Parkway  
Suite #200  
Atlanta, GA 30338  
Attn: Laura C. Horlock<sup>2</sup>

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<sup>1</sup> Per Notice of Appearance filed in Case No. 16-51385 (Doc. No. 13)

<sup>2</sup> Per Notice of Appearance filed in Case No. 16-51385 (Doc. No. 33)

The Lakes at Cedar Grove Neighborhood Association, Inc.  
c/o Lisa B. Fuerst and Laura C. Horlock  
Pankey & Horlock, LLC.  
1441 Dunwoody Village, Parkway  
Suite #200  
Atlanta, GA 30338  
Attn: Lisa B. Fuerst<sup>3</sup>

NCEP, LLC Department  
Ascension Capital Group  
Account XXXXX9313  
PO Box 165028  
Irving, TX 75016  
Attn: Marian Garza<sup>4</sup>

Scott Beauchamp  
Claims Processor  
Ascension Capital Group  
P.O. Box 201347  
Arlington, TX 76006<sup>5</sup>

SCANA Services Inc.  
220 Operation Way, Mail Code C222  
Cayce, SC 29033-3701  
Attn: Patricia Lynn Lawson<sup>6</sup>

LVNV Funding, LLC its successors and  
assigns as assignee of FNBM, LLC  
c/o Resurgent Capital Services  
PO Box 10587  
Greenville, GA 29603<sup>7</sup>  
Attn: Latoya McDowell

Premier Bankcard, LLC; Jefferson Capital  
Systems, LLC Assignee  
c/o Jefferson Capital Systems, LLC  
PO Box 7999  
St. Cloud, MN 56302-9617  
Attn: Linda Dold<sup>8</sup>

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<sup>3</sup> Address and signatory per Claim No. 7-1 filed in Case No. 16-51385

<sup>4</sup> Per Notice of Appearance filed in Case 16-51385 (Doc 18)

<sup>5</sup> Signatory per Claim No. 6-1 filed in Case No. 16-51385

<sup>6</sup> Address and Signatory per Claim No. 2-1 filed in Case No. 16-51385

<sup>7</sup> Signatory and address per Claim 3-1 filed in Case No. 16-51385

<sup>8</sup> Address and signatory per Claim No. 4-1 filed in Case No. 16-51385

Wells Fargo Bank, N.A.  
PO Box 5058 MAC P6503-021  
Portland, OR 97208  
Attn: Milena Zelen

Wells Fargo Bank, N.A.  
420 Montgomery Street  
San Francisco, CA 94163  
Attn: Timothy J Sloan, President and CEO

Internal Revenue Service  
401 W Peachtree St. NW M/S 334-D  
Atlanta, GA 30308  
Attn: Cheryl Mangham

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Deutsche Bank National Trust Company  
as trustee for Morgan Stanley ABS Capital Inc  
Trust 2007-HE3 Mortgage Pass-through  
Certificates, Series 2007-HE3  
c/o Ocwen Loan Servicing, LLC  
Attn: Bankruptcy Department  
PO Box 24605  
West Palm, FL 33416-4605

Timeka J. Mottow  
Contract Management Coordinator  
Ocwen Loan Servicing, LLC  
1661 Worthington Road  
Ste. 100  
West Palm, FL 33409

SEE ATTACHED FOR ADDITIONAL CREDITORS

Dated: June 15, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
Howard Slomka, Esq.  
Georgia Bar No. 652875  
Slipakoff & Slomka, PC  
1069 Spring Street, NW  
2nd Floor  
Atlanta, GA 30309  
(678) 732-0001

Label Matrix for local noticing  
113E-1  
Case 17-60262-lrc  
Northern District of Georgia  
Atlanta  
Thu Jun 15 15:07:59 EDT 2017

Access Management Group  
The Springs Condo Association  
1100 North Meadow Parkway  
Suite 114  
Roswell, GA 30076-3871

Ascension Capital Group, Inc  
Attn: Captial One Auto Finance  
PO Box 201347  
Arlington, TX 76006-1347

Calvary Portfolio Services  
500 Summit Lake Dr  
Ste 400  
Valhalla, NY 10595-2322

Chrysler Financial/TD Auto Finance  
Attn: Bankruptcy Dept  
Po Box 551080  
Jacksonville, FL 32255-1080

(p)CARTER YOUNG INC  
882 N MAIN STREET  
SUITE 120  
CONYERS GA 30012-4442

Credit Control Service  
2 Wells Ave  
Newton, MA 02459-3225

Credit One Bank Na  
Po Box 98873  
Las Vegas, NV 89193-8873

Enhanced Recovery Corp  
Attention: Client Services  
8014 Bayberry Rd  
Jacksonville, FL 32256-7412

First Premier Bank  
3820 N Louise Ave  
Sioux Falls, SD 57107-0145

Genesis Financial Solutions  
Attn: Bankruptcy  
Po Box 4865  
Beaverton, OR 97076-4865

(p)GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Hillcrest Davidson & A  
715 N Glenville Dr Ste 4  
Richardson, TX 75081-2898

IC System  
Attn: Bankruptcy  
444 Highway 96 East; Po Box 64378  
St. Paul, MN 55164-0378

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

(p)CONTINENTAL FINANCE COMPANY LLC  
PO BOX 8099  
NEWARK DE 19714-8099

Midland Credit Mgmt In  
8875 Aero Dr  
San Diego, CA 92123-2255

Monterey County Bank  
601 Munras Ave  
Monterey, CA 93940-3107

Ocwen Loan Servicing  
12650 Ingenuity Drive  
Orlando, FL 32826-2703

Ocwen Loan Servicing, LLC  
1661 Worthington Road  
Suite 100  
West Palm Beach, FL 33409-6493

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Richard B. Maner  
Bldg D, Suite 100  
5775 Glenridge Drive  
Atlanta, GA 30328-5390

Santander Consumer Usa  
8585 N Stemmons Fwy Ste 1100-N  
Dallas, TX 75247-3822

Scana Energy Marketing  
3344 Peachtree Rd Ne Ste  
Atlanta, GA 30326-4808

Stellar Recovery Inc  
1327 Highway 2 Wes  
Kalispell, MT 59901

U. S. Attorney  
600 Richard B. Russell Bldg.  
75 Ted Turner Drive, SW  
Atlanta, GA 30303-3315

Adam M. Goodman  
Adam M. Goodman, 13 Trustee  
Suite 200  
260 Peachtree Street  
Atlanta, GA 30303-1236

Ellis Wilton Garner  
7669 Waterlace Drive  
Fairburn, GA 30213-7910

Howard P. Slomka  
Slipakoff & Slomka, PC  
Suite 200  
1069 Spring Street, NW  
Atlanta, GA 30309-3817

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Collectron Of Atlanta/Carter-Young  
Attention: Bankruptcy  
Po Box 82269  
Conyers, GA 30013

Georgia Department of Revenue  
1800 Century Blvd  
Suite 17200  
Atlanta, GA 30345

Mabt/contfin  
121 Continental Dr Ste 1  
Newark, DE 19713

Portfolio Recovery  
Attn: Bankruptcy  
Po Box 41067  
Norfolk, VA 23541

End of Label Matrix  
Mailable recipients 28  
Bypassed recipients 0  
Total 28